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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,337	06/01/2001	A. Robert Spitzer	0594.00029	2889

7590 12/20/2001

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EXAMINER

LE, HUYEN D

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 12/20/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,337

Applicant(s)

A. SPITZER

Examiner

Huyen Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-8, 11-15, 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams.

The Williams reference discloses an apparatus for collecting liquid comprising a vessel 28 and an absorption means 22.

Regarding claim 6, the absorption means is made of absorbent paper (col. 2, line 46).

Regarding claims 7, 8, 14 and 15, the absorption means includes super-absorbing means made of silica gel (col. 2, line 53).

Regarding claims 18-20, the method of using an apparatus is inherently performed during the normal operation by a user.

3. Claims 1, 2, 4-6, 9, 10-13, 16, 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Stevens (GB 2224522 A).

The Stevens reference discloses an apparatus for collecting liquid comprising a vessel 1 and an absorption means 8.

Regarding claim 4, the vessel 1 is made of a plastic material.

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Regarding claims 5 and 6, the absorption is made of fiber or paper (page 4, lines 11-12).

Regarding claims 9, 10, 16 and 17, the apparatus includes an attaching means for attaching the absorption means 8 selected from an adhesive (page 4, lines 7-9).

Regarding claim 21, an absorption means 8 includes connecting means (adhesive) for connecting the absorption means to inner surface of a vessel 1.

Regarding claim 22, the vessel 1 is disposable.

Regarding claims 18-20, the method of using the apparatus is inherently performed during the normal operation of the apparatus.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams.

Although the Williams reference is not specific as to what material the bedpan 28 is made of, it would have been obvious to one of ordinary skill in the art at the time the invention was made to fabricate the bedpan from a plastic material since selecting a known material on the basis of its suitability for the intended use is a mere matter of obvious design choice. In re Leshin, 125 USPQ 416.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens (GB 2224522 A).

The Stevens reference shows the vessel 1 including a seating surface 5.

Although The Stevens vessel is not an oval-shaped receptacle, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ an oval-shaped vessel to accommodate a particular environment (oval-shaped portable toilet), doing so would be a matter of obvious design choice.

Claims 7, 8, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens (GB 2224522 A) in view of Wyatt.

Although the Stevens reference does not disclose that the absorption means 8 include a super-absorbing means made of a gelling compound, attention is directed to the Wyatt reference which shows a disposable waste bag comprising a pad 26 having a gelling compound for solidifying liquid material and preventing it from spillage.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a gelling compound in the absorbing pad 8 of the Steven apparatus in view of the teaching of the Wyatt reference for solidifying liquid material and preventing it from spillage.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Tanner reference shows a bedpan having an absorbent pad. The Scrafield et al and GB 2229699 reference show bedpans having absorbing means and attaching means for attaching absorbing means to the bedpans. The GB 2196246 reference shows a bedpan having absorbing powder and attaching means. The Whitesel reference shows a bedpan with absorbing means. The Thomas reference

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shows a disposable waste receptacle having gelling compounds for solidifying liquid material.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Le whose telephone number is 703-306-5504.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 703-308-2580. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7766 for regular communications and 703-308-7766 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.

HL
December 16, 2001



Michael Powell Buig
Supervisory Patent Examiner
US Patent & Trademark Office

12/17/01

6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated thereon. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.